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MAR 26 2019

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

CHARLIE RIDLEY, et al,)

Plaintiff-Intervenor,)

v.)

CASE NO. 1:69-CV-12972

STATE OF GEORGIA and COWETA)
COUNTY SCHOOL DISTRICT, et al.)Defendants.)
_____)

AGREED ORDER OF DISMISSAL

The United States of America ("United States") has reviewed the compliance of the Coweta County School District (the "District") with a 1973 court order entered in this case that permanently enjoined the District from operating a dual system of schools segregated on the basis of race. Based on a review of the information provided by the District and other data, the United States advised the District that in its view the District has fulfilled its affirmative desegregation obligations under the court order and applicable federal law. As indicated by the signatures below, the parties asked the Court to approve this Agreed Order of Dismissal, declaring that the District has achieved unitary status

in the remaining areas of student assignment and quality of education, and dismissing this case.

I. PROCEDURAL BACKGROUND

The United States filed the original complaint in this case on August 1, 1969, against the State of Georgia, officials of the State, and 81 public school districts, including the Coweta County School Board and the City of Newnan School Board. Plaintiff-Intervenors joined the action to address statewide issues on behalf of black students. The United States and Plaintiff-Intervenors alleged that Defendants operated racially dual systems of public education in violation of the Fourteenth Amendment and Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000-6. On December 17, 1969, the Court entered a detailed regulatory injunction requiring each of the individual school districts to establish a fully desegregated school system in compliance with *Brown v. Board of Education*, 347 U.S. 483 (1954). On January 1, 1969, the Coweta County School Board and the City of Newnan School Board officially consolidated to create a unified Coweta County School District.

On July 23, 1973, the Court dissolved the detailed regulatory injunction for several school districts, including the Coweta County School District, and replaced it with a permanent injunction. The permanent injunction requires each of these school districts to: take no action that tends to segregate students, faculty or staff

by school on the basis of race, color or national origin; hire, assign, promote, pay, demote and dismiss administrative staff and staff members that work directly with children without regard to race, color or national origin; assign bus routes and students to buses in a non-segregated and non-discriminatory manner; perform school construction, consolidation, and site selection in a manner that will prevent the recurrence of a dual school structure; and permit student transfers on a non-discriminatory basis and in a manner that does not cumulatively reduce desegregation in the affected districts.

On November 9, 2006, this Court entered a Consent Decree finding that the District had achieved partial unitary status with respect to transportation, and identifying maintenance provisions with which the District agreed to comply in the areas of facilities; student attendance zones and assignments; transfers; and employee assignment. ECF Doc. No. 355. Since that time, the United States has carefully monitored the District's compliance with the extant desegregation order and other applicable federal law. This included, *inter alia*, analyzing information provided by the District and other data related to *the Green* factors, discussed below, and the District's affirmative desegregation obligations, and site visits to the District. By letter to the District on March 4, 2019, the United States shared its conclusion that the District had met its remaining desegregation obligations. On

March 25, 2019, the parties filed a joint Motion to Dismiss the case and this proposed Agreed Order of Dismissal.

II. LEGAL STANDARD

The goal of a school desegregation case is to convert promptly a *de jure* segregated school system to a system without “white” schools or “black” schools, but just schools. *Green v. County Sch. Bd. of New Kent Cty., Va.*, 391 U.S. 430, 442 (1968). To obtain a declaration of unitary status, the District must show that it has: (1) fully and satisfactorily complied with the Court’s decrees for a reasonable period of time; (2) eliminated the vestiges of prior *de jure* discrimination to the extent practicable; and (3) demonstrated a good-faith commitment to the whole of the Court’s decrees and to those provisions of the law and the Constitution that were the predicate for judicial intervention in the first instance. *See Missouri v. Jenkins*, 515 U.S. 70, 87-89 (1995); *Freeman v. Pitts*, 503 U.S. 467, 491-92, 498 (1992); *Bd. of Educ. of Oklahoma City Pub. Sch. v. Dowell*, 498 U.S. 237, 248-50 (1991). The Eleventh Circuit set forth legal standards for analyzing whether a formerly *de jure* segregated school system has attained unitary status. *See, United States v. State of Georgia (Meriwether County)*, 171 F.3d 1344, 1347 (11th Cir. 1999); *Lockett v. Board of Educ. of Muscogee County Sch. Dist.*, 111 F.3d 839, 842 (11th Cir. 1997); *Lee v. Etowah County Bd. of Educ.*, 963 F.2d 1416, 1425 (11th Cir. 1992).

The Supreme Court identified six areas, commonly known as the “*Green* factors,” which must be addressed as part of the determination of whether a school district has fulfilled its duties and eliminated vestiges of the prior dual system to the extent practicable: (1) student assignment; (2) faculty; (3) staff; (4) transportation; (5) extracurricular activities; and (6) facilities. *Green v. Sch. Bd. of New Kent Cty.*, 391 U.S. 430, 435 (1968); see *Manning ex rel. Manning v. Sch. Bd. of Hillsborough Cty.*, 244 F.3d 927, 942 (11th Cir. 2001) (stating that “for a district court to determine whether the vestiges of discrimination have been eliminated to the extent practicable, it must examine . . . the *Green* factors”). The Supreme Court also approved consideration of other indicia, such as “quality of education,” as important factors for determining whether the District has fulfilled its desegregation obligations. *Freeman*, 503 U.S. at 492-93.

A fundamental inquiry in assessing compliance “is the degree of racial imbalance in the school district, that is to say a comparison of the proportion of majority to minority in individual schools with the proportions of the races in the district as a whole.” *Freeman*, 503 U.S. at 474. The Eleventh Circuit defines racially identifiable any school with a black/white ratio varying plus or minus 20 percentage points from the district overall enrollment. *Manning*, 244 F.3d at 935.

The proper measure of a district’s progress toward unitary status “is the effectiveness, not the purpose,” of its actions. *Dayton Bd. of Educ. v. Brinkman*,

443 U.S. 526, 537-38 (1979); *see also Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 25 (1971). To that end, a district must demonstrate its “affirmative commitment to comply in good faith with the entirety of a desegregation plan,” not simply that it “had [not] acted in bad faith or engaged in further acts of discrimination since the desegregation plan went into effect.” *Freeman*, 503 U.S. at 499.

III. STIPULATED FACTS

A. Student Assignment

During the 1968-69 school year, the Coweta County School Board operated twelve schools, enrolling 4,859 students (52.7% white and 47.2% black); 94.4% of the 2,294 enrolled black students attended five *de jure* black schools: Eastside Elementary, Grantville-Brown Elementary, Northside Elementary, Westside Elementary, and Newnan-Coweta Central High. The City of Newnan School Board operated seven schools, enrolling 3,223 (71.6% white and 28.4% black); 92.7% of the 915 enrolled black students attended three *de jure* black schools: Fairmont, Howard Warner, and Ruth Hill.

During the 1970-71 school year, the newly consolidated Coweta County School District operated twenty schools, enrolling 8,050 students (60% white and 40% black). The following chart summarizes the enrollment at each school in the District during the 1970-71 school year:

School	Grade	Black		White		Total
Grantville Brown Elementary	1-2	92	41%	131	59%	223
Northside Elementary	1-2	115	42%	162	58%	277
East Newnan Elementary	1-3	70	34%	137	66%	207
Atkinson Elementary	1-4	218	44%	283	56%	501
East Coweta Elementary	1-4	202	45%	242	55%	444
Elm Street	1-4	201	39%	310	61%	511
Western Elementary	1-5	176	40%	261	60%	437
Grantville Elementary	3-5	124	44%	156	56%	280
Arnco-Sargent Elementary	3-7	97	36%	171	64%	268
Madras	3-7	166	42%	226	58%	392
Ruth Hill	4-7	197	39%	307	61%	504
Fairmount	5-7	143	31%	322	69%	465
Eastside Elementary	5-8	196	46%	227	54%	423
Moreland Elementary	6-8	122	36%	214	64%	336
Westside Elementary	6-8	110	46%	127	54%	237
Newnan Junior High	8	144	37%	250	63%	394
Newnan Coweta Central HS	9-10	297	40%	446	60%	743
East Coweta High	9-12	106	35%	201	65%	307
Western Junior Senior High	9-12	77	33%	153	67%	230
Newnan High	10-12	353	41%	518	59%	871
Total		3206	40%	4844	60%	8050

*Data from the US Department of Education's 1970 Civil Rights Data Collection

During the 2016-17 school year, the Coweta County School District operated thirty-two non-specialty schools, enrolling 23,518 students (62% white and 22% black).¹ The following chart summarizes the enrollment at each school in the District during the 2016-17 school year:²

¹ Of the remaining students, 10% identify as Hispanic, 2% identify as Asian, .5% identify as Native American/Pacific Islander, and 3.5% identify as two or more races.

² This list excludes specialized schools, such as special education centers.

School	Grade	Black		White		Total
Arbor Springs Elementary	PK-5	35	8%	332	76%	434
Arnco-Sargent Elementary	K-5	50	13%	276	70%	396
Atkinson Elementary	PK-5	134	32%	209	49%	425
Brooks Elementary	PK-5	82	11%	535	74%	720
Canongate Elementary	PK-5	39	6%	454	73%	618
Eastside Elementary	PK-5	57	12%	401	82%	491
Elm Street Elementary	K-5	138	27%	299	58%	515
Glanton Elementary	PK-5	78	23%	227	68%	334
Jefferson Parkway Elem.	PK-5	229	41%	132	24%	555
Moreland Elementary	PK-5	59	13%	323	69%	469
Newnan Crossing Elem.	K-5	284	31%	379	41%	930
Northside Elementary	PK-5	98	24%	278	67%	416
Poplar Road Elementary	PK-5	151	25%	403	66%	611
Ruth Hill Elementary	PK-5	218	49%	158	35%	449
Thomas Crossroads Elem.	PK-5	33	8%	314	76%	411
Welch Elementary	PK-5	299	37%	331	41%	808
Western Elementary	PK-5	147	34%	248	57%	436
White Oak Elementary	PK-5	145	23%	365	57%	644
Willis Road Elementary	PK-5	60	9%	529	75%	703
Arnall Middle	6-8	293	31%	419	45%	936
East Coweta Middle	6-8	119	16%	515	71%	728
Evans Middle	6-8	199	27%	428	58%	736
Lee Middle	6-8	168	17%	623	64%	972
Madras Middle	6-8	148	13%	776	71%	1099
Maggie Brown	6-8	26	45%	25	43%	58
Smokey Road Middle	6-8	230	33%	381	54%	704
8th Grade Charter and Career	8	15	13%	79	69%	115
Central Educational Center	9-12	124	13%	694	74%	933
East Coweta High	9-12	651	23%	1718	60%	2865
Newnan High	9-12	545	26%	1361	64%	2127
Northgate High	9-12	229	13%	1308	73%	1780
Winston Dowdell	9-12	57	57%	37	37%	100
Total		5140	22%	14557	62%	23518

*Data submitted to the United States from the District

Although the District has experienced changes in demographics and increased enrollment since the inception of this case, the District maintains a desegregated student enrollment that generally reflects the current overall racial composition of the District. Specifically, during the 2016-17 school year, the enrollment of black and white students at 26 of the 32 elementary, middle, and high schools mirrored the District wide enrollment number within +/- 20%. Of the six schools that do not mirror the district demographics within +/- 20%, only two - Ruth Hill Elementary and the alternative high school, Winston Dowdell - maintained an enrollment ratio outside +/-20% the district-wide ratio. At three schools, Newnan Crossing, Jefferson Parkway and Welch Elementary Schools, only the white student enrollment was outside +/-20% of the District-wide enrollment; and at the alternative middle school, Maggie Brown, only black student enrollment fell outside of +/-20% of the District-wide enrollment. Black students comprise the majority enrollment only at Winston Dowdell, to which students are assigned on a temporary basis for discipline reasons.

Since the 1969 consolidation, the District has constructed and consolidated schools in a manner that did interfere with its desegregation obligations.

The District grants and denies student transfers in compliance with the District's transfer policy and this Court's order without discriminating on the basis

of race. These transfers do not have a negative effect on desegregation in the District's schools.

B. Faculty and Staff Assignment

During the 1968-69 school year, the Coweta County School Board employed 184 certified teachers (54.9% white and 45.1% black). The Board assigned 96.4% of the 83 black certified teachers to the five *de jure* black schools: Eastside Elementary, Grantville-Brown Elementary, Northside Elementary, Westside Elementary, and Newnan-Coweta Central High. The City of Newnan School Board employed 122 certified teachers (72.1% white and 27.9% black). The Board assigned 88.2% of the 34 black certified teachers to the three *de jure* black schools: Fairmount, Howard Warner, and Ruth Hill.

During the 1970-71 school year, the newly consolidated Coweta County School District employed 309 certified teachers (66% white and 34% black). The following chart summarizes the assignment of teachers at each school in the District for the 1970-71 school year:

School	Grade	Black		White		Total
Grantville Brown Elementary	1-2	5	56%	4	44%	9
Northside Elementary	1-2	4	40%	6	60%	10
East Newnan Elementary	1-3	3	43%	4	57%	7
Atkinson Elementary	1-4	6	32%	13	68%	19
East Coweta Elementary	1-4	6	38%	10	63%	16
Elm Street	1-4	6	33%	12	67%	18
Western Elementary	1-5	6	40%	9	60%	15

Grantville Elementary	3-5	4	44%	5	56%	9
Arnco-Sargent Elementary	3-7	3	27%	8	73%	11
Madras	3-7	3	21%	11	79%	14
Ruth Hill	4-7	8	42%	11	58%	19
Fairmount	5-7	7	44%	9	56%	16
Eastside Elementary	5-8	6	38%	10	63%	16
Moreland Elementary	6-8	4	40%	6	60%	10
Westside Elementary	6-8	5	56%	4	44%	9
Newnan Junior High	8	6	38%	10	63%	16
Newnan Coweta Central HS	9-10	11	37%	19	63%	30
East Coweta High	9-12	2	10%	18	90%	20
Western Junior Senior High	9-12	3	30%	7	70%	10
Newnan High	10-12	8	23%	27	77%	35
Total		106	34%	203	66%	309

*Data from the US Department of Education's 1970 Civil Rights Data Collection

In 2016-17, the District retained 3,260 employees, of which 18% were black. Of the 117 district-wide administrators and staff, 16 (14%) were black, 97 (83%) were white, and 4 (3%) were other. Of the 76 school principals and assistant principals, 25 (33%) were black, 50 (66%) were white, and 1 (1%) were other. The District employed a total of 1,481 certified and non-certified school-level teachers and education personnel (such as special education specialists), of which 171 (12%) were black, 1278 (86%) were white, and 32 (3%) were other. The following chart illustrates the number of teachers and educational personnel at each individual school:

School	Grade	Black		White		Total
Arbor Springs Elementary	PK-5	2	6%	30	88%	34
Arnco-Sargent Elementary	K-5	2	6%	34	94%	36

Atkinson Elementary	PK-5	6	16%	30	81%	37
Brooks Elementary	PK-5	3	7%	38	90%	42
Canongate Elementary	PK-5	2	5%	38	93%	41
Eastside Elementary	PK-5	4	10%	34	87%	39
Elm Street Elementary	K-5	2	5%	40	95%	42
Glanton Elementary	PK-5	4	11%	31	86%	36
Jefferson Parkway Elem.	PK-5	8	19%	34	79%	43
Moreland Elementary	PK-5	3	8%	34	92%	37
Newnan Crossing Elem.	K-5	5	8%	60	92%	65
Northside Elementary	PK-5	4	13%	27	84%	32
Poplar Road Elementary	PK-5	6	14%	35	81%	43
Ruth Hill Elementary	PK-5	8	17%	38	83%	46
Thomas Crossroads Elem.	PK-5	6	17%	28	80%	35
Welch Elementary	PK-5	4	7%	50	89%	56
Western Elementary	PK-5	3	9%	29	88%	33
White Oak Elementary	PK-5	2	5%	39	93%	42
Willis Road Elementary	PK-5	3	6%	44	92%	48
Arnall Middle	6-8	11	19%	48	81%	59
East Coweta Middle	6-8	5	14%	31	86%	36
Evans Middle	6-8	4	9%	40	91%	44
Lee Middle	6-8	3	7%	40	87%	46
Madras Middle	6-8	4	8%	44	92%	48
Maggie Brown	6-8	3	60%	2	40%	5
Smokey Road Middle	6-8	7	21%	24	71%	34
8th Grade Charter and Career	8	0	0%	1	100%	1
Central Educational Center	9-12	2	9%	21	91%	23
East Coweta High	9-12	19	12%	129	83%	156
Newnan High	9-12	16	13%	105	86%	122
Northgate High	9-12	14	13%	92	84%	110
Winston Dowdell	9-12	6	60%	8	80%	10
Total		172	12%	1278	86%	1481

*Data submitted to the United States from the District

During the 2016-17 school year, assignment of teachers at all schools but Maggie Brown and Winston Dowdell - the alternative middle and high schools - mirrored the District wide-ratio of both black and white teachers within +/-20%.

The District recruits minority administrators, faculty and staff, and there is no evidence of discrimination in the District's employment practices, or faculty and staff assignment.

C. Extracurricular Activities

The District offers a wide variety of student activities, and race is not a consideration for participation in those activities. Student participation in sports, student government, clubs, and extracurricular and co-curricular activities reflects that activities are available to all students in the District regardless of race.

D. Facilities

The District assigns students to facilities in a non-segregated and non-discriminatory manner, and there is no evidence of discrimination in school facilities.

IV. DECLARATION OF UNITARY STATUS AND DISMISSAL OF THE CASE

Based on the information and data provided by the District and the United States, and the applicable law, the Court finds that the District acted in good faith to comply with the Court's 1973 Order and the 2006 Consent Decree for a

reasonable period of time, refrained from taking actions that would reverse its progress in desegregating its system, eliminated the vestiges of past *de jure* discrimination to the extent practicable, and operates a unitary school system. The Court therefore concludes that the Coweta County School District has met the legal standards for a declaration of unitary status and is entitled to dismissal of this case. *Freeman*, 503 U.S. at 492.

Accordingly, it is hereby ORDERED that all prior injunctions against the Coweta County School District are DISSOLVED, jurisdiction is TERMINATED, and the case against this District is DISMISSED WITH PREJUDICE.

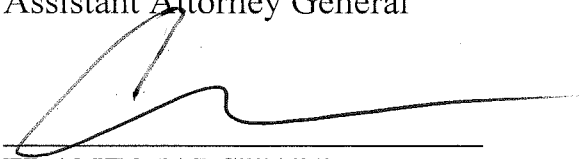
So ORDERED, this _____ day of _____, 2019.

United States District Judge

Approved:

For Plaintiff United States of America

ERIC DREIBAND
Assistant Attorney General



FRANZ MARSHALL
COLLEEN PHILLIPS
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For the Coweta County School District:

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This the 25th day of March, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action
)	
and)	No. 1:69-CV-12972
)	
CHARLES RIDLEY, JR. et al.,)	
)	
Plaintiffs-Intervenors)	
)	
v.)	
)	
THE STATE OF GEORGIA and COWETA)	
COUNTY SCHOOL DISTRICT, et al.)	
)	
Defendants)	
_____)	

CERTIFICATE OF COMPLIANCE

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in LR 5.1B for documents prepared by computer.



Colleen Phillips, Trial Attorney
U.S. Department of Justice

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

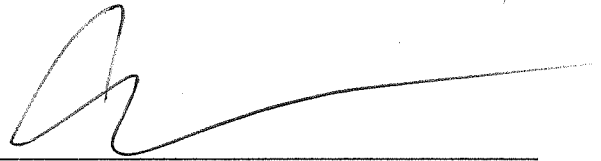
UNITED STATES OF AMERICA,)	
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Plaintiff,)	Civil Action
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and)	No. 1:69-CV-12972
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CHARLES RIDLEY, JR. et al.,)	
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Plaintiffs-Intervenors)	
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v.)	
)	
THE STATE OF GEORGIA and COWETA)	
COUNTY SCHOOL DISTRICT, et al.)	
)	
Defendants)	
_____)	

CERTIFICATE OF COMPLIANCE

I hereby certify that on March 25, 2019, I mailed the attached document to the Clerk's Office using the postal service for filing, and sent a copy through electronic transmission to the following:

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nlee@gloverdavis.com

Dated: March 25, 2019

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal stroke that curves slightly upwards at the end.

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